

JUL 28 2012



S-125158

No.

Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

KEVIN DOUGLAS PICARD

Plaintiff

AND:

**ATTORNEY GENERAL OF CANADA, HER MAJESTY THE QUEEN IN RIGHT OF
CANADA AS REPRESENTED BY TREASURY BOARD, MINISTER OF JUSTICE OF
BRITISH COLUMBIA, THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA, PETER GERMAN, KEVIN DEBRUYCKERE, RUSSELL I. HOWARD**

Defendants

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that services, or,
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

- 1. The Plaintiff, Kevin Douglas Picard ("Picard"), is a Staff Sergeant with the Royal Canadian Mounted Police (the "RCMP"), posted to "E" Division in British Columbia, and is a resident in Sechelt, British Columbia.
- 2. The Defendant, the Attorney General of Canada, is a Defendant as a result of responsibility for acts or omissions by or on behalf of the RCMP, a police force constituted pursuant to the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 and amendments thereto (the "*RCMP Act*").
- 3. The Defendant Her Majesty the Queen in Right of Canada as Represented by Treasury Board is the party responsible for entering into employment contracts with members, including Picard, on behalf of the RCMP and is a Defendant as a result of being a party to Picard's contract of employment.
- 4. In this Notice of Civil Claim, the Defendants Attorney General of Canada and Her Majesty the Queen in Right of Canada as Represented by Treasury Board are together referred to as the "Federal Crown". Reference to acts or omissions of the Federal Crown in this Notice of Civil Claim include acts or omissions by or on behalf of the RCMP, its members, officers, agents and employees.

5. The *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50 ("*Crown Liability and Proceedings Act*") and amendments thereto, applies to acts and omissions of the Federal Crown and its servants.
6. The Defendants the Minister of Justice of British Columbia and the Queen in Right of the Province of British Columbia (the "Minister of Justice") are defendants as a result of the acts or omissions by or on behalf of the RCMP, or in the alternative, as a result of acts or omissions by or on behalf of its members, officers, agents and employees pursuant to the *RCMP Act*, *Police Act*, R.S.B.C. 1996, c. 367 and amendments thereto (the "*Police Act*") and the *Crown Proceeding Act*, R.S.B.C. 1996, c. 89 and amendments thereto (the "*Crown Proceeding Act*").
7. The RCMP contracts with the Defendant Minister of Justice to provide police services in British Columbia as a provincial police force. Reference to acts or omissions of the Defendant Minister of Justice in this Notice of Civil Claim include acts or omissions by or on behalf of the RCMP, its members, officers, agents, and employees.
8. At all material times, the Defendant Minister of Justice and the Federal Crown were parties to a contract pursuant to s. 14(1) of the *Police Act*, and section 20 of the *RCMP Act*. By virtue of this contract, the Defendant Minister of Justice is vicariously and statutorily liable for the wrongful acts of any and all members, officers, agents and employees of the RCMP in British Columbia.
9. The Defendant Assistant Commissioner German (promoted to Deputy Commissioner in or around November 2010), ("German") was until on or around March 20, 2012, a member of the RCMP and Picard's direct Commanding Officer.
10. The Defendant Superintendent Kevin deBruyckere ("deBruyckere"), was at all material times, Acting Human Resource Officer for the Pacific Region of the RCMP.
11. Commencing in or around March 2009, the Defendant Sergeant Russell I. Howard ("Howard"), was posted to the Sunshine Coast Detachment in "E" Division of the RCMP.
12. Pursuant to section 21(3)(a) of the *Police Act*, individual members of the RCMP are personally liable if their actions constitute "dishonesty, gross negligence or malicious or wilful misconduct."
13. All members of the RCMP are public officers.

14. All members of the RCMP, specifically the Defendants German, deBruyckere and Howard have a duty to comply with the *RCMP Act*, the *Regulations* promulgated under the *RCMP Act*, the *RCMP Administration Manual*, other policies of the RCMP and the *Police Act*.
15. Picard has been a loyal, committed member of the RCMP for over twenty-two years. The RCMP has recognized Picard's dedication and success as both a member and a senior manager on multiple occasions through promotions and awards.
16. In or around April, 2005, Picard was diagnosed with Post-Traumatic Stress Disorder ("PTSD") as a result of traumatic incidents while working as a member of the RCMP.
17. Following his PTSD diagnosis, Picard continued to work full time for the RCMP.
18. Commencing on or around August 31, 2007, Picard was promoted to "E" Division as Commander, Sunshine Coast Detachment.
19. Between November 2007 and January 2008, Picard requested a Managerial Review of the Sunshine Coast Detachment, including a financial audit to identify and address many problems he discovered at the Sunshine Coast Detachment.
20. A Managerial Review, a procedure described in RCMP policy, is ordered by the District Officer, and are commonly conducted when a new Commander takes over a detachment, in order to learn of any problems existing in the detachment to assist the new Commander in developing a plan to rectify any such problems once they commence their position.
21. In Picard's yearly performance evaluation, dated June 30, 2008, Inspector Hilton Smee ("Smee") provided commentary on Picard's performance as Commander of the Sunshine Coast Detachment. Smee did not identify any concerns with Picard's performance.
22. In or around July, 2008, Smee attended the Sunshine Coast Detachment and requested meetings with some Non-Commissioned Officers to discuss Picard's command and morale issues. These meetings were requested without notice to Picard or the members who were interviewed. Once Smee began the interviews, Picard had to insist that all Non-Commissioned Officers be interviewed to ensure completeness.

23. After Smee completed the interviews with the Non-Commissioned Officers, Picard requested Smee provide him a report and debriefing from the interviews. Smee failed to provide Picard with an adequate debriefing, and failed to issue a report summarizing his findings.
24. In December 2008, Smee conducted interviews of support staff at the Sunshine Coast Detachment to discuss issues relating to the morale and work satisfaction of the federal public service employees, who are employees of the RCMP, and the municipal employees, who work in the Sunshine Coast Detachment and are employees of the Sunshine Coast Regional District, particularly as related to the management and leadership of the detachment.
25. Given the investigations, Picard requested Smee provide a report of his findings. In or around January, 2009, Smee provided a report with comments on Picard's actions as Commander, inter alia, suggestions on ways Smee believed Picard might improve as a Commander.
26. This was the first time a member of the RCMP provided Picard with feedback with respect to how Picard could improve his leadership and management skills.
27. Picard asked Smee to explain or elaborate on many of the suggestions made by Smee in his report, but Smee did not do so.
28. Neither of the investigations conducted by Smee in 2008 were the Managerial Review or financial audit requested by Picard.
29. On or around March 31, 2009, Picard went on medical leave for surgery. He anticipated he would return to work within two to six months, and provided the RCMP with an estimated return to work date of in or around June 2009.
30. On May 6, 2009, German appointed Superintendent Rick Taylor ("Taylor"), to conduct a Special Review at the Sunshine Coast Detachment (the "Special Review").
31. Picard is not personally aware of any instance where a Special Review has been conducted anywhere within the RCMP, and was not aware of what a Special Review consisted of prior to it being ordered.
32. Picard was not informed of the necessity for the Special Review, nor the scope of the Special Review.

33. On or around May 25, 2009, while Picard was recovering from a recent surgery, Taylor interviewed Picard at his residence as part of the Special Review.
34. Taylor delivered a report from the Special Review to German.
35. On or around July, 2009, Picard asked German for a copy of the report from the Special Review. German explained the entire report was extensive, and only provided Picard with a two page summary.
36. The RCMP did not provide Picard with any additional pages of the Special Review until Picard made a request under the *Privacy Act*, R.S.C., 1985, c. P-21, ["*the Privacy Act (Canada)*"], through the Access to Information and Privacy Branch of the RCMP. Picard received an additional seven pages as a result of his request, but to date he has not been provided the entire report.
37. Picard was not provided an opportunity to review the entire report from the Special Review, and therefore was unable to discuss the results of the Special Review with German or any other member of the RCMP.
38. On or around June 7, 2009, Picard provided the RCMP with the necessary medical information to continue medical leave for further recovery required from his surgery.
39. On June 8, 2009, Picard was advised by Inspector Dennis Boucher that commencing June 9, 2009, another member would temporarily replace Picard until he returned to work.
40. While on medical leave, Picard used his RCMP GroupWise email account to stay up to date with members of the Sunshine Coast Detachment in order to allow him to be informed on matters relevant to his work as Commander.
41. On or around June 24, 2009, Smee left a detailed, confidential telephone message on Picard's home telephone, to which all family members have access. In his message Smee advised Picard that his privileges for his work laptop computer were suspended, and his GroupWise email account would no longer be accessible on his laptop or cellular telephone.
42. Picard's spouse retrieved Smee's telephone message, which led to Picard's spouse distrusting Picard as she was concerned Picard was in serious trouble with the RCMP. This caused significant distress to Picard.

43. After serving faithfully, diligently and honourably as a member of the RCMP for over 19 years, suspending his laptop, email, and cell phone privileges without warning was a humiliating and demeaning experience for Picard.
44. Due to the suspension of his laptop, email, and cell phone privileges, on or around June 26, 2009, Picard attended RCMP Lower Mainland District Headquarters in Surrey, B.C. to return his laptop and cell phone to the RCMP.
45. On July 25, 2009, Picard was required by the RCMP to turn in his intervention equipment, including his Asp baton, pepper spray, handgun, handgun case, handgun case lock and keys and handcuffs to Howard. To date, Picard's intervention equipment has not been returned to him.
46. Relinquishing his intervention equipment to a subordinate officer was a humiliating experience for Picard.
47. On or around December 22, 2009, Dr. Naomi Ross, of RCMP Health Services, and other members of the RCMP had a meeting to discuss Picard's situation.
48. In or around October 2009, Picard started to experience systems of stress and anxiety while on medical leave.
49. In or around October 2009, Picard had recovered from his medical condition relating to his surgery, however he remained unable to return to work due to a worsening of his PTSD symptoms.
50. In or around April, 2010, a member of the RCMP advised Picard that his personal effects had been removed from the Detachment Commander's Office approximately four to five months prior. Picard was not provided notice of this, or the opportunity to gather his belongings himself
51. On or around May 2010, Picard was advised by Inspector Maureen Levy, that his position as Sunshine Coast Detachment Commander was secure upon his return from medical leave.
52. On or around July 21, 2010, Chief Superintendent Marianne Ryan ("Ryan") contacted Picard via his personal email address. She advised him they would need to staff his position with another Staff Sergeant and would find him a "like position" when he was able to return to work.
53. On August 6, 2010, Picard responded to Ryan and advised he did not agree to a transfer.

54. While on medical leave, Picard remained on the Sunshine Coast roster until at least January 4, 2011.
55. Without the opportunity to respond to the Special Review report, on or around January 4, 2011, Picard met with Deputy Commissioner Gary Bass, Commanding Officer of "E" Division and Pacific Region at the time ("Bass"), at Bass' request, where he advised Picard that he had been removed as Commander of the Sunshine Coast Detachment.
56. The only reason Bass provided to Picard for his removal was because he had been on medical leave.
57. Picard was removed as the Detachment Commander without just and reasonable cause following the Special Review conducted by Taylor.
58. Picard was not transferred to another position within the RCMP, rather he had no position to return to once he was medically able to return to work.
59. Picard was not provided guidance, mentorship, courses, notice of any shortcomings, or any necessary learning plans to improve his skills as a Commander.
60. Picard has not been advised of any grievance that was filed against him while Commander of the Sunshine Coast Detachment, or otherwise.
61. For reasons unknown to Picard, German wanted Picard to be removed as Commander of the Sunshine Coast Detachment.
62. In or around January 2011, the position of Commander of the Sunshine Coast Detachment was filled permanently.
63. On January 31, 2011, Picard was served with an order issued by deBruyckere, requiring his attendance on February 15, 2011, at an independent medical assessment with Dr. Alan Buchanan, that the RCMP referred to as an Employer Mandated Medical Assessment (the "EMMA").
64. In preparation for the EMMA, members of the RCMP disclosed personal and confidential medical records pertaining to Picard to Dr. Buchanan, who is not an employee of the RCMP, without Picard's knowledge or consent.
65. Picard disputed the lawfulness and necessity of the EMMA, and expressed his willingness to provide the RCMP with all medical information that was reasonably necessary.

66. In or around January, 2011, Howard, on behalf of the RCMP and on the direction of German, unlawfully and without Picard's consent or knowledge cut the lock and emptied Picard's personal locker
67. On or around February 1, 2011, Howard attended Picard's personal residence to return Picard's belongings that had been cleared from his office in 2009 or 2010, along with the contents of his personal locker.
68. On or around February 1, 2011, Howard requested the key for Picard's gun locker located inside Picard's personal locker.
69. Without waiting for Picard to provide the key, and without Picard's knowledge or consent, on or around February 1, 2011, Howard arranged for a locksmith to open Picard's personal gun locker.
70. The removal of Picard's personal items from two lockers constitutes a breach of Picard's personal privacy interests and constitutes an unlawful search and seizure, contrary to section 8 of the *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11, (the "*Charter*"), and the *Privacy Act*, R.S.B.C. 1996, c. 373 [*"Privacy Act (BC)"*].
71. The RCMP did not rescind the EMMA, therefore on February 15, 2011, Picard attended the assessment, but advised Dr. Buchanan that he did not consent to the examination, or the release of information to the RCMP and as a result, the examination was not conducted.
72. Picard commenced a graduated return to work on November 9, 2011, on administrative duties through the Lower Mainland District Headquarters Office and the North Vancouver RCMP Detachment. The RCMP did not permit Picard to return to his position as Commander of the Sunshine Coast Detachment.
73. Picard was required to undergo a security clearance in order to return to work.
74. Picard was treated differently than other RCMP members on a return from medical leave, because he was initially required to complete the extensive security clearance application that new employees must complete, rather than a shortened version for current employees moving positions or returning to work. Picard was treated as a non-employee for the purpose of his security clearance re-activation.
75. On November 9, 2011, the RCMP provided Picard with an RCMP laptop computer for his graduated return to work.

76. Between November 9, 2011 and January 5, 2012, Picard was unable to access the RCMP's internal systems with the laptop issued by the RCMP due to the failure of the RCMP to provide remote access to the RCMP's secure network, and the failure to provide Picard with the necessary passwords for same, despite his numerous requests for assistance from the RCMP. Further, the laptop computer had a defective battery.
77. The RCMP denied Picard access to email, RCMP Policy, unit supplements, and was not assigned any meaningful work until a full security clearance was obtained.
78. After several months and numerous inquiries to the RCMP by Picard, the RCMP finally agreed Picard was subject to only the shortened security clearance for current employees.
79. Picard did not receive his security clearance until on or around March 16, 2012.
80. As a result of the delay in being provided his security clearance during his graduated return to work, Picard was unable to conduct any meaningful work to assess whether he was capable of a full return to work.
81. On or around March 26, 2012, Picard went off work on medical leave to undergo further surgical medical treatment and therefore interrupted his graduated return to work.
82. On or around July 9, 2012, Picard re-commenced his graduated return to work on administrative duties through the Lower Mainland District Headquarters Office and the North Vancouver RCMP Detachment.
83. Since May 2009, Picard has been treated differently than other members of the RCMP because he has been required to go through additional steps in order to attempt to obtain disclosure from the RCMP to which he is legally entitled.
84. German, deBruyckere and Howard, as members of the RCMP, have a duty to comply with the standards of conduct set out in section 37 of the *RCMP Act*, and the Code of Conduct set out in Part III of the *Regulations*.
85. The Federal Crown and the Defendant Minister of Justice have a duty to comply with the standards of conduct set out in section 37 of the *RCMP Act*, and the Code of Conduct set out in Part III of the *Regulations*.

86. At all material times, the Defendants owed a duty of care to Picard, which duty arose from the relationship between Picard and the Defendants, being that of employer and employee, and/or supervisor and employee, and/or commanding officer and employee. The said relationship is one of authority and trust.
87. In removing him from his position without cause, German acted intentionally to harm Picard, or alternatively, with reckless disregard as to the effect of his actions on Picard.
88. In authorizing the disclosure of personal medical information without consent, and ordering Picard to attend an EMMA, deBruyckere acted intentionally to harm Picard, or alternatively, with reckless disregard as to the effect of his actions on Picard.
89. In cutting the locks to Picard's lockers, and removing Picard's personal contents from his office and lockers without notice or opportunity to Picard to have someone present, Howard acted intentionally to harm Picard, or alternatively, with reckless disregard as to the effect of his actions on Picard.
90. The Defendants' conduct was flagrant, outrageous, extreme and of a type calculated to cause, and did significantly worsen a recognizable psychiatric illness in Picard, namely, PTSD.
91. The Defendants breached the terms of Picard's employment contract with the RCMP and/or breached their duty of care towards Picard. The Defendants knew or ought to have known, that their conduct of removing Picard from his position as Commander without just and reasonable cause would cause mental, physical and financial harm to Picard, as a result of which he has incurred and will continue to incur damages.
92. In the alternative, as a public employee, the Defendants owe Picard a duty of fairness.
93. The Defendants breached their duty of fairness in their conduct in removing Picard from his position as Commander without just and reasonable cause or with regard to procedural fairness.
94. The Defendant's actions in removing Picard from his position as Commander without just and reasonable cause caused mental, physical and financial harm to Picard, as a result of which he has incurred and will continue to incur damages.

95. As a direct and foreseeable consequence of the Defendants' intentional and malicious or reckless conduct, Picard has suffered permanent and irreparable harm including extreme embarrassment, loss of reputation, loss of posting and promotional opportunities, extreme emotional distress and anxiety, and has resulted in a visible and provable illness by increasing the severity of his PTSD and has prolonged his recovery. These losses were a reasonably foreseeable consequence of the Defendants' intentional and malicious conduct.
96. In the alternative, the Defendants were negligent in their treatment of Picard. The Defendants owed a duty of care to Picard as a member of the RCMP. They breached the standard of care, which breach directly caused Picard to suffer worsening of his psychiatric illness and damages detailed above.
97. The Defendants owed Picard a duty of care to provide him with a safe workplace and environment that is free of harassment, within which he would be treated fairly, with dignity, respect, and professional integrity, and lawfully, which duties arise from the common law, the *Canada Labour Code*, R.S.C., 1985, c. L-2 ("*Canada Labour Code*") and RCMP policies.
98. German, deBruyckere and Howard, at all material times were provincial Constables pursuant to the *Police Act*.
99. German, deBruyckere and Howard were at all material times acting in their capacity as public officers.
100. The Federal Crown and the Minister of Justice are liable for the actions of German, deBruyckere and Howard, but in the alternative, if they were acting outside the express or implied scope of their duties, then German, deBruyckere and Howard are personally liable for their actions and are not entitled to the defences set out in section 21 of the *Police Act*.
101. The conduct of German in the removal of Picard from his position at the Sunshine Coast Detachment without cause or any prior warning, and subsequent actions were done for the express purpose of harming Picard.
102. In the alternative, German knew that his actions were not and would not be authorized and was prohibited by provisions of the *RCMP Act* and *RCMP Administration Manual*, and was unlawful, or acted with reckless indifference to the illegality of his actions.
103. The conduct of deBruyckere in ordering Picard to attend an EMMA, and disclosing Picard's medical information without consent, was done for the express purpose of harming Picard.

104. In the alternative, deBruyckere knew that his actions were not and would not be authorized and his actions were prohibited by provisions of the *RCMP Act* and *RCMP Administration Manual*, and were unlawful, or acted with reckless indifference to the illegality of his actions.
105. Picard claims that the Defendants' reliance on the Commissioner's Standing Order (Health Assessments) when Picard was ordered to attend the EMMA was without lawful authority, as that Order is contrary to both sections 8 and 15 of the *Charter*, the *Privacy Act (Canada)*, section 1 of the *Privacy Act (BC)*, and the common law.
106. At all material times, Picard had a special privacy interest in maintaining the confidentiality of his personal health information and records. The Defendants' owed Picard a duty of care to protect his privacy interest and not to disclose Picard's personal health information without consent or lawful authority.
107. The Defendants' breached that duty in that they:
 - (a) disclosed Picard's personal medical information to Dr. Buchanan without lawful authority and without Picard's consent; and
 - (b) referred Picard for a mandatory medical assessment without lawful authority and without exhausting minimally invasive measures to obtain any additional medical information reasonably required.
108. In removing Picard's personal possessions from the Sunshine Coast Detachment, in particular from his lockers and the Detachment Commander's office, Howard knew that his actions were not and would not be authorized and was prohibited by provisions of the *RCMP Act* and RCMP policies, and was unlawful, or acted with reckless indifference to the illegality of his actions.
109. In directing Howard to remove Picard's personal possessions from the Sunshine Coast Detachment, in particular from his lockers and the Detachment Commander's office, the Defendants knew that these actions were not and would not be authorized and was prohibited by provisions of the *RCMP Act* and RCMP policies, and was unlawful, or acted with reckless indifference to the illegality of their actions.
110. The Federal Crown and Minister of Justice had a duty to Picard, and failed to discharge their duty because they did not meet the standard of care, and knew or ought to have known, that their conduct was in violation of the *Privacy Act (Canada)*, sections 7 and 8, the *Privacy Act (BC)*, section 1, the *Police Act*, and the common law and would cause harm to Picard.

111. The Defendants' conduct as described in paragraphs 19 to 83, constitute harassment as Picard was targeted, and treated differently from other members of the RCMP.
112. The Defendants' conduct as described in paragraphs 19 to 83, were done for the express purpose of harming Picard.
113. In the alternative, the Defendants' knew that their actions were not and would not be authorized and were prohibited by provisions of the *RCMP Act* and the *RCMP Administration Manual*, and were unlawful, or acted with reckless indifference to the illegality of their actions.
114. Picard has suffered permanent and irreparable harm including extreme embarrassment, loss of reputation, loss of employment prospect, and extreme anxiety and distress, exacerbating his PTSD. These losses were a reasonably foreseeable consequence of the Defendants' intentional and malicious conduct.
115. By reason of the Defendants' actions, Picard has suffered and continues to suffer loss and damages, particulars of which are as follows:
 - (a) depression;
 - (b) anxiety;
 - (c) loss of self-esteem and confidence
 - (d) insomnia;
 - (e) headaches;
 - (f) physical pain;
 - (g) gastro-intestinal complications;
 - (h) memory loss;
 - (i) loss of overtime earnings;
 - (j) loss of reputation;
 - (k) loss of earning capacity;
 - (l) strain on marriage;
 - (m) loss of promotional opportunity; and
 - (n) any other issues that may be particularized at trial.
116. Picard claims aggravated damages. The facts on which the Plaintiff relies on in support of his claim are provided in paragraphs 19 to 83 above.

Part 2: RELIEF SOUGHT

1. Picard claims against all Defendants, jointly and severally:
 - (a) general damages;
 - (b) special damages;
 - (c) aggravated damages;
 - (d) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79;
 - (e) costs; and
 - (f) such further and other relief this Court considers just and equitable.

Part 3: LEGAL BASIS

1. Picard repeats and relies upon the facts outlined in Part 1 above.
2. Picard pleads and relies on the provisions of the *RCMP Act*, the *Regulations* promulgated under the *RCMP Act*, the *Police Act*, the *Crown Liability and Proceedings Act*, the *Privacy Act (Canada)*, the *Privacy Act (BC)*, the *Crown Proceeding Act*, the *Canada Labour Code*, and the *Charter*.
3. Picard claims that the Defendants committed the tort of willful infliction of mental suffering.
4. Picard claims that, in the alternative, the Defendants committed the tort of negligent infliction of mental suffering.
5. Picard claims that the Defendants committed the tort of misfeasance of public office.
6. Picard claims that the Defendants committed a breach of contract.
7. Picard claims that, in the alternative, the Defendants breached their duty of fairness.
8. Picard claims that the Defendants committed the tort of harassment.
9. Picard claims that the Defendants are vicariously liable for the actions of the individuals named in Part 1 of this Notice of Civil Claim.
10. Picard claims that the Defendants committed the tort of intrusion upon seclusion and breached the *Privacy Act (Canada)* and the *Privacy Act (BC)*.
11. Picard claims that the Defendants conducted an unlawful search and seizure, contrary to section 8 of the *Charter*.

Plaintiff's address for service:

#500 - 128 West Pender Street
Vancouver, BC V6B 1R8
Attention: Sebastien Anderson/ Stefanie Quelch

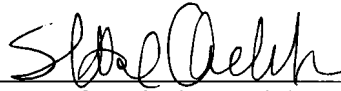
Fax number address for service (if any): 604-684-8427

E-mail address for service (if any):

Place of trial: Vancouver

The address of the registry is: 800 Smithe Street, Vancouver, BC

Date: July 20, 2012



Signature of Stefanie Quelch

[] plaintiff [X] lawyer for plaintiff

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Plaintiff's claim is against the Defendant for damages arising from willful and/or negligent infliction of mental suffering, breach of contract, breach of duty of fairness, harassment, misfeasance in public office, intrusion on seclusion, and a breach of privacy.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

☒ [X] another cause

Part 3: THIS CLAIM INVOLVES

☒ [X] none of the above

Part 4:

Royal Canadian Mounted Police Act, R.S.C. 1985, c. R-10
Police Act, R.S.B.C. 1996, c. 367
Crown Proceeding Act, R.S.B.C. 1996, c. 89